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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,818	08/21/2003	Larry Klein	894-14/JLW	6187

38735 7590 01/04/2007

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EXAMINER

PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/644,818	Applicant(s) KLEIN ET AL.	
	Examiner Gims S. Philippe	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This is a first office action in response to application no. 10/644,818 filed on August 21, 2003 in which claims 1-27 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-9 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Needham (US Patent no. 6,803,945).

Art Unit: 2621

Regarding claim 1, Needham discloses a system for operating a digital video security system comprising a video module for rendering video images captured by a video camera (See Needham col. 3, lines 1-3 and col. 2, lines 60-67), and an event scheduling module for generating signals in response to at least one predefined event (See col. 3, lines 4-9 and lines 54-56, and col. 4, lines 23-26), wherein the video module renders the video images in response to a signal generated by the event scheduled module (See col. 3, lines 28-30 and lines 36-39).

As per claims 2-6, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Needham further discloses a system wherein the predefined event includes a triggering event which includes motion detection with the means to record video images (See Needham col. 3, lines 44-59), and wherein the video file comprises a time-indexed representation of the video images (See col. 3, lines 53-59).

As per claim 7, most of the limitations of this claim have been noted in the above rejection of claim 1. In addition, Needham further provide database means (See storage 35 of fig. 4 as well as PC 12 of fig. 1).

As per claims 8-9, most of the limitations of these claims have been noted in the above rejection of claim 7. In addition, Needham transmits the video to the remote computer/server 13 as noted in fig. 1, item 13.

Art Unit: 2621

As per claims 17 and 18, Needham discloses a method of detecting motion using a digital camera (See Needham Abstract) comprising the steps of receiving a first frame comprising an array of pixels from a video camera, receiving a second frame comprising an array of pixels from the video camera (See Needham col. 3, lines 16-20), comparing the color values in each pixel on the second frame against the color values in the corresponding pixel in the first frame (See Needham col. 3, lines 45-47 and col. 5, lines 27-43), and if the difference between the first and second frames for all color values associated with a pixel are greater than a first tolerance value (See Needham col. 3, lines 47-50), registering a change associated with that pixel, and comparing the total number of pixels in the second frame for which a change is registered against a second tolerance value (See Needham col. 4, lines 7-10), and if the total number exceeds the second tolerance value, registering a motion detection (See Needham col. 3, lines 45-52 and col. 5, lines 27-45).

3. Claims 12, 15, 19-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Naidoo et al. (US Patent no. 6,658,091).

Regarding claim 12, Naidoo discloses a system for managing a digital video file associated with a security system, the digital video file comprising time-indexed footage recorded by a video camera (See Naidoo figs. 3-4 and col. 13, lines 46-50), comprising a database comprising at least one external time index associated with a predefined event (See Naidoo database 436 of fig. 4, col. 3, lines 43-65, col. 12, lines 43-63 and

Art Unit: 2621

col. 13, lines 41-50, and col. 16, lines 28-30), means for presenting a list of the predefined events to a user (See Naidoo col. 14, lines 25-33), means for replaying a portion of the video file, the portion of the video file comprising time-indexed footage corresponding to the external time index associated with the predefined event selected by the user from the list of predefined events (See Naidoo col. 18, lines 9-11, col. 9, lines 10-14, and col. 13, lines 59-65, and col. 20, lines 10-32).

As per claim 15, most of the limitations of this claim have been noted in the above rejection of claim 12. In addition, Naidoo further discloses extracting a still image from the footage (See col. 3, lines 16-19).

As per claims 19-21, Naidoo discloses a security system comprising a digital video camera (See fig. 1, item 112), a host computer operably connected to the camera to receive video images from the camera (See fig. 1, item 115), and at least one remote computer in communication with the host computer over a network (See fig. 1, items 150 and 133, and col. 6, lines 16-38), wherein the host computer streams video images to the remote computer in Microsoft Windows Media format (See col. 15, lines 46-57).

As per claims 22-26, Naidoo further discloses a security system wherein the host computer receives video images from the camera in response to a predefined event which is associated with an event time index (See Naidoo col. 8, lines 50-67), and

Art Unit: 2621

wherein the video are delivered in near real time to the remote computer or at a time later than the time at which the video images are received (See col. 16, lines 13-33).

As per claim 27, Naidoo discloses the same method for maintaining surveillance of a surveillance area (See fig. 1, item 112), comprising the steps of providing a host computer with a security system comprising a video module for rendering video images captured by a video camera (See fig. 1, item 115), an event scheduling module for generating signals in response to at least one predefined event, wherein the video module renders the video images in response to a signal generated by the event scheduling module, and a remote connection module for communicating with another computer over a network (See Naidoo col. 8, lines 50-67 and col. 14, lines 25-33), providing a remote computer connected to the host computer over a network, the remote computer being provided with a security system comprising a video module for rendering video images captured by a video camera and retrieving images captured by a video camera, an event scheduling module for generating signals in response to at least one predefined event (See fig. 1, items 150 and 133, and col. 6, lines 16-38), and a remote connection module for communicating with the host computer over the network, wherein signals generated by the event scheduling module on the remote computer are receivable by the host computer such that the video module on the host computer renders the video images (See col. 16, lines 13-33).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Needham (US Patent no. 6,803,945) in view of Naidoo et al. (US Patent no. 6,658,091).

Regarding claims 10-11, 13, 14 and 16, most of the limitations of these claims have been noted in the above rejection of claim 9.

It is noted that although Needham provides an event scheduler generating signals in response to at least a predefined event (See Needham col. 3, lines 2-13), it is silent about a remote operable to control the security system in a communication module for communicating with another computer.

However, Naidoo discloses a communication module for communicating with another computer, wherein the remote computer is operable to control the security system (See Naidoo col. 3, lines 50-67 and col. 4, lines 1-13).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Needhama's event scheduler of the video security system by incorporating Naidoo's communication module for

Art Unit: 2621

communicating with another computer, wherein the remote computer is operable to control the security system. The motivation for performing such a modification in Needham is to allow the user of the system to be proactive in monitoring an object or premises by allowing remote viewing as well as communicating with individual premises as taught by Naidoo (See Naidoo col. 4, lines 14-22).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nayar et al. (US Patent no. 6215519) teaches combined wide angle and narrow angle imaging system and method for surveillance and monitoring.

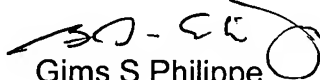
Marchese (US Patent no. 6891566) teaches digital video system using networked cameras.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gims S Philippe
Primary Examiner
Art Unit 2621

GSP

December 28, 2006